IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 17569 of 2004

Between:

1 The District Panchayat Officer, Mahabubnagar.
2 The Divisional Panchayat Officer, Gadwal, Mahabubnagar District.
3 The Executive Officer, Maldakal, Grampanchayat of Mahabubnagar

District.

..... PETITIONERS

AND

Sri K. Kesi Reddy, Bill Collector, Gram Panchayat Maldakal,

Mahabubnagar District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any writ or proceedings more particularly one in the nature of "WRIT OF CERTIORARI" calling for the records pertaining to the orders pass in O.A.No. 4834/94 on the file of Hon'ble A.P.A.T. Hyderabad dated 25-11-2002 and quash the same as illegal and arbitrary.

Counsel for the Petitioners: GP FOR SERVICES II

Counsel for the Respondent: --

The Court, at the admission stage, made the following:

O R D E R (Per Hon'ble Sri Justice Goda Raghuram)

Writ Petition is directed against the Order of the Andhra Pradesh Administrative Tribunal dated 25.11.2002 allowing O.A.No.4834 of 1994 filed by the respondent herein.

2. The Respondent filed the O.A. challenging the Order dated 18.08.1994 of the District Panchayath Officer, Mahabubnagar terminating him from service. By the proceedings of the District Panchayath Officer dated 28.01.1991 the service of the respondent was absorbed in the post of Bill Collector on the reckoning that he had completed five years of service as watchman by 31.12.1990. Thereafter, a show cause notice was issued by the District Panchayath Officer on 26.07.19994 asking the respondent to show cause why he should not be terminated from service. The reasons for the proposal were stated to be that he was not appointed as Watchman at all in the concerned Grampanchayath, he did not work as a Watchman for five years, there was no file evidencing his appointment and absorption as Bill Collector, there was no post of a contingent Watchman at the concerned Gram Panchayath and he was not sponsored by the local employment exchange. Admittedly, without conducting an inquiry for imposition of major penalty under the A.P.C.S (CC&A) Rules, 1991 (for short "the Rules") the respondent was inflicted with the penalty of

termination from service by the Order dated 18.08.1994.

3. In the circumstances, the Tribunal allowed the O.A. having rightly concluded that the statutory procedure as required under Rule 9 of the Rules was violated in terminating the respondent from service by the impugned order in the light of the fact that he was absorbed as Bill Collector by the order of the District Panchayath Officer by the order dated 28.01.1991.

4. There is no infirmity either in the application of law, analysis of facts or exercise of discretion by the A.P. Administrative Tribunal warranting interference in the writ petition. The Writ Petition is without merits and is accordingly dismissed at the stage of admission.

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J.CHELAMESWAR, J.

Dated: 30.09.2004.

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GODA RAGHURAM, J.

GS/PVKS

To

1. The Registrar, A.P.Administrative Tribunal, Hyderabad.

2. The District Panchayat Officer, Mahabubnagar.
3. The Divisional Panchayat Officer, Gadwal, Mahabubnagar District.
4. The Executive Officer, Maldakal, Grampanchayat of Mahabubnagar

District.

5. 2 CCs to the Govt. Pleader for Services-II, High Court of A.P.

Hyderabad (OUT)

6. 2 CD Copies.